

MARIAH BROOKS PARKS

Name and Prisoner/Booking Number

City of Mesa Jail 130 North Robson, Mesa AZ

Place of Confinement

151 W. Superstition Blvd POBox 5741

Mailing Address

Apache Junction, AZ 85120

City, State, Zip Code

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AUG 01 2022	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
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(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

MARIAH BROOKS PARKS

(Full Name of Petitioner)

Petitioner,

v. Maricopa County Mesa Municipal Court  
Judge Raymond P. Schumacher  
(Unsupervised Probation)

(Name of the Director of the Department of  
Corrections, Jailor or authorized person having custody  
of Petitioner),

Respondent,

and

The Attorney General of the State of Arizona

Additional Respondent.

CASE NO. \_\_\_\_\_

(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2254  
FOR A WRIT OF HABEAS CORPUS  
BY A PERSON IN STATE CUSTODY  
(NON-DEATH PENALTY)

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: \_\_\_\_\_

Maricopa County Mesa Municipal Court  
250 East 1st Avenue Mesa, Arizona 85210

(b) Criminal docket or case number: 2020063164

2. Date of judgment of conviction: 10-21-2021 & Reimposition Sentence 05-11-2022

3. In this case, were you convicted on more than one count or crime? Yes ☒ No ☐

4. Identify all counts and crimes for which you were convicted and sentenced in this case:

Count 1 - Threatening Physical Assault (13-1202A1)  
 Count 2 - Disorderly Conduct - Fighting (13-2904A1)  
 Count 3 - Disorderly Conduct - Fighting (13-2904A1)

5. Length of sentence for each count or crime for which you were convicted in this case:

36 months unsupervised probation, 60 days jail imposed - 45 days jail postponed, Serve 15 days jail, fine \$ 1,019.40, Anger management, cannot shop at Walmart while on probation, cannot possess a firearm.

6. (a) What was your plea?

Not guilty ☒  
 Guilty ☐  
 Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or charge, and a not guilty plea to another count or charge, give details:

N/A

(c) If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☒

7. Did you testify at the trial? Yes ☐ No ☒

8. Did you file a direct appeal to the Arizona Court of Appeals from the judgment of conviction?  
 Yes ☒ No ☐

If yes, answer the following:

(a) Date you filed: 10-25-2021

(b) Docket or case number: LC2022-000047-001 DT

(c) Result: Record Appeal Ruling/Affirmed/Remand

(d) Date of result: 04-07-2022

(e) Grounds raised: Same as my petition for writ of Habeas. I have explained I am not guilty of this alleged crime and that many of my constitutional rights are being violated. 6th amendment and first amendment violations were the main cause during my case. I did not have a fair trial

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

9. Did you appeal to the Arizona Supreme Court? Yes ☐ No ☒

If yes, answer the following:

- (a) Date you filed: \_\_\_\_\_
- (b) Docket or case number: \_\_\_\_\_
- (c) Result: \_\_\_\_\_
- (d) Date of result: \_\_\_\_\_
- (e) Grounds raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.**

10. Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

- (a) Date you filed: \_\_\_\_\_
- (b) Docket or case number: \_\_\_\_\_
- (c) Result: \_\_\_\_\_
- (d) Date of result: \_\_\_\_\_
- (e) Grounds raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.**

11. Other than the direct appeals listed above, have you filed any other petitions, applications or motions concerning this judgment of conviction in any state court? Yes ☒ No ☐

If yes, answer the following:

(a) First Petition.

- (1) Date you filed: 07-08-2022
- (2) Name of court: Arizona District Court
- (3) Nature of the proceeding (Rule 32, special action or habeas corpus): Habeas Corpus
- (4) Docket or case number: CV-22-1147-PHX-JAT-MHB
- (5) Result: I was advised to amend my petition within 30 days
- (6) Date of result: 07-20-2022
- (7) Grounds raised: violations continue throughout my case  
1st Amendment, 5th Amendment, 6th Amendment  
Currently my public defender filed a Rule 32 petition  
and we are pending the court appearance on this.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(b) Second Petition.

- (1) Date you filed: 06-30-2022
- (2) Name of court: Mesa Municipal Court
- (3) Nature of the proceeding (Rule 32, special action or habeas corpus): Application to set aside judgement
- (4) Docket or case number: 2020063164
- (5) Result: Denied
- (6) Date of result: 07-05-2022
- (7) Grounds raised: Applied to set aside and restore my civil rights  
and was denied

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(c) Third Petition.

- (1) Date you filed: 06-30-2022
- (2) Name of court: Mesa Municipal Court
- (3) Nature of the proceeding (Rule 32, special action or habeas corpus): Motion to Vacate Judgement
- (4) Docket or case number: 2020063164
- (5) Result: I have not received response on this yet
- (6) Date of result: \_\_\_\_\_
- (7) Grounds raised: I wrote a two page letter to Judge Schumacher identifying the wrongs of this case and how my civil and constitutional rights continue to be violated by the abuse of power from Judge Schumacher and I have yet to hear the response.

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(d) Did you appeal the action taken on your petition, application, or motion to the:

- |                      | <u>Arizona Court of Appeals:</u> |  | <u>Arizona Supreme Court:</u> |  |
|----------------------|----------------------------------|--|-------------------------------|--|
| (1) First petition:  | Yes <input type="checkbox"/>     | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| (2) Second petition: | Yes <input type="checkbox"/>     | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| (3) Third petition:  | Yes <input type="checkbox"/>     | No <input checked="" type="checkbox"/> | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |

(e) If you did not appeal to the Arizona Court of Appeals, explain why you did not:

I have had no legal advise from my public defender and throughout this case have been misled and confused. Lack of representation and 6th Amendment violations exist.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: violation of my 1st Amendment to free speech

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Judge Raymond Schumacher has violated my first amendment for the sole purpose of conviction and incarceration for using the "N" word to my defense for being harassed and discriminated upon numerous times by Walmart security guard-Chandra Boyd. I asked Judge Schumacher on reImposition sentencing 05-11-2022, why he is charging me with this wrongful conviction and giving me jail time. Schumacher said to me because I used a "Derogatory word". Not for the reason he thought I made threats but because I used the "N" word at my defense. I have been diagnosed with Post Traumatic Stress Disorder three years prior to this case and the judge refuses to see my proof that would be mitigation in my defense. I had a witness in the court room as well. I explained to the judge many times that he is in fact violating my freedom to speech. He did not have a response, nor has it changed the outcome of my case. Judge Schumacher has taken this case outstandingly personal and it's clear that predjudism and political predjudism exists towards me as well. Schumacher refuses to give me any other logical and legal explanation for my conviction and incarceration. I have filed many complaints against him throughout this case. It was known from the very beginning that I knowingly expressed my freedom to speech.

(b) Did you present the issue raised in Ground One to the Arizona Court of Appeals? Yes ☒ No ☐

(c) If yes, did you present the issue in a:

- Direct appeal ☒  
 First petition ☐  
 Second petition ☐  
 Third petition ☐

(d) If you did not present the issue in Ground One to the Arizona Court of Appeals, explain why: \_\_\_\_\_

(e) Did you present the issue raised in Ground One to the Arizona Supreme Court? Yes ☐ No ☒



GROUND TWO: Violation of my 5th Amendment

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
 Judge Raymond Schomacher has violated my fifth amendment when he explained on 07-20-2022 during my case status Review for reasoning of Incarceration and conviction, he said he passed the judgement in light of the fact that I did not testify. I said I have the right not to incriminate myself, he said yes however he could not make reasonable determination due to the fact I did not testify. I was violated by prosecution on 01-26-2021 when I was pulled into questioning during my very first court appearance. The prosecutor asked me "What would I like to happen to this case" I felt coerced to incriminate myself without counsel present. There was then a three month delay before I was ever appointed counsel. It was also said in the police report, on statements on reports and at trial that there was video footage of me in order to use against me in court. When I was finally appointed counsel (K. Stewart) we requested several times for the video footage but failed to produce it at court or at trial. Perjury testimonies, and falsified police reports exist on this case. No miranda rights were given to me upon questioning without counsel appointed.

(b) Did you present the issue raised in Ground Two to the Arizona Court of Appeals? Yes ☐ No ☒

(c) If yes, did you present the issue in a:

- Direct appeal ☐  
 First petition ☐  
 Second petition ☐  
 Third petition ☐

(d) If you did not present the issue in Ground Two to the Arizona Court of Appeals, explain why:  
I did not acknowledge that this was a violation until recently upon consulting with a professional attorney I was going to hire

(e) Did you present the issue raised in Ground Two to the Arizona Supreme Court? Yes ☐ No ☒

GROUND THREE: Violation of my 6th Amendment to Counsel

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

6th Amendment guarantees the right to counsel before questioning.  
I was not given a fair trial. My public defenders failed to fullfill their  
job duties, refusing to give me legal advise. Judge Schumacher has  
limited all fair of my assigned public defense thraughout my case as to  
what they can say or do to assist me. I was never offered a plea  
offer thraughout my case. Currently my public defender Matthew W. Bartz  
filed a Rule 32 Petition on my behalf under three issues  
1- failure of defense to file any motions regarding the delay in the arraignment  
hearing.  
2- Failure of defense to file any motions regarding the State not being able to  
obtain Surveillance footage due to late arraignment that resulted in a seven month  
delay from the time of the incident until counsel was appointed.  
3- Failure of counsel to convey the terms of the plea offer.

(b) Did you present the issue raised in Ground Three to the Arizona Court of Appeals? Yes ☒ No ☐

(c) If yes, did you present the issue in a:

- Direct appeal ☒  
First petition ☐  
Second petition ☐  
Third petition ☐

(d) If you did not present the issue in Ground Three to the Arizona Court of Appeals, explain why: \_\_\_\_\_

(e) Did you present the issue raised in Ground Three to the Arizona Supreme Court? Yes ☐ No ☒



GROUND FOUR: Violation of my 2<sup>nd</sup> Amendment

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Judge Raymond Schumacher has violated my second amendment following my wrongful conviction due to not being allowed to possess a firearm for my protection outside my home or in my personal vehicle.

(b) Did you present the issue raised in Ground Four to the Arizona Court of Appeals? Yes ☒ No ☐

(c) If yes, did you present the issue in a:

- Direct appeal ☒
- First petition ☐
- Second petition ☐
- Third petition ☐

(d) If you did not present the issue in Ground Four to the Arizona Court of Appeals, explain why: \_\_\_\_\_

(e) Did you present the issue raised in Ground Four to the Arizona Supreme Court? Yes ☐ No ☒

**Please answer these additional questions about this petition:**

13. Have you previously filed any type of petition, application or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If yes, give the date of filing, the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available:

I did file a writ of Habeas corpus as explained  
and motions with the Municipal Court.

14. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, as to the judgment you are challenging? Yes ☒ No ☐

If yes, give the date of filing, the name and location of the court, the docket or case number, the type of proceeding, and the issues raised:

07-19-2022 my public defender  
Matthew W. Bartz filed a Rule 32 petition granted under  
three issues. Pending court appearance  
Maricopa County Mesa Municipal Court  
case # 2020063164

15. Do you have any future sentence to serve after you complete the sentence imposed by the judgment you are challenging? Yes ☐ No ☒

If yes, answer the following:

(a) Name and location of the court that imposed the sentence to be served in the future:

\_\_\_\_\_

(b) Date that the other sentence was imposed: \_\_\_\_\_

(c) Length of the other sentence: \_\_\_\_\_

(d) Have you filed, or do you plan to file, any petition challenging the judgment or sentence to be served in the future? Yes ☐ No ☐

16. TIMELINESS OF PETITION: If your judgment of conviction became final more than one year ago, you must explain why the one-year statute of limitations in 28 U.S.C. § 2244(d) does not bar your petition.\*

6th Amendment violations

Violations of constitutional law became more exposed  
throughout the process of the case.

\*Section 2244(d) provides in part that:

(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of-

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

17. Petitioner asks that the Court grant the following relief: Dismissal of charges/Incarceration

or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on Scheduled 09-20-2022 (month, day, year).

  
Signature of Petitioner

\_\_\_\_\_  
Signature of attorney, if any

08-01-2022  
Date